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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,684	01/14/2000	Takenori Idehara	325772014000	7340
7590 Barry E. Bretschneider Morrison & Foerster LLP 1650 Tysons Blvd. Suite 300 McLean, VA 22102			EXAMINER BRINICH, STEPHEN M	
			ART UNIT 2625	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 03/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/482,684

Applicant(s)

IDEHARA, TAKENORI

Examiner

Stephen M. Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwabuchi (JP 10-044524).

Re claims 1-3 & 5, Iwabuchi discloses (Figures 4-5, paragraphs 0068-0076) a method and means of processing image data. The system receives first image data (page description language data input via IF 301; paragraph 0068) and develops it into second image data via image generating section 302 (bitmap data; paragraph 0069). The result is compressed into third image data (paragraph 0074), and a comparison is made to determine whether this compression increases the original data amount (paragraph 0075) and to selectively skip compression in the case where compression increases the data amount (thus, the smaller of the original data or the compressed data is obtained). The final image data (the smaller of the original data or the compressed data) is stored in a memory 305 (paragraph 0071).

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Re claim 4, in any case in which the Iwabuchi system provides its output to a printer (described as a standard configuration, Figure 1 and paragraphs 0001 & 0100) and is used to print more than one copy of a document (as in the situation described in paragraphs 0007 & 0052-0054), each will be printed seriatim using the stored data generated by the above described arrangement.

Re claim 6, some type of data connection means is inherently required to transmit image data to an external printer (paragraph 0001). This output to this data connection means is readable upon the (not further described) recited "transmitter", and the data connection means itself is readable upon the (not further described) recited "network".

Claim Rejections - 35 USC § 103

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwabuchi in view of Applicant's Background Prior Art.

As described above, Iwabuchi discloses (Figures 4-5, paragraphs 0068-0076) a means of processing image data. The system receives first image data (page description language data input via IF 301; paragraph 0068) and develops it into second image data via image generating section 302 (bitmap data; paragraph 0069). The result is compressed into third image data

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(paragraph 0074), and a comparison is made to determine whether this compression increases the original data amount (paragraph 0075) and to selectively skip compression in the case where compression increases the data amount (thus, the smaller of the original data or the compressed data is obtained). The final image data (the smaller of the original data or the compressed data) is stored in a memory 305 (paragraph 0071).

Also as described above, some type of data connection means is inherently required to transmit image data to an external printer (paragraph 0001). This output to this data connection means is readable upon the (not further described) recited "transmitter", and the data connection means itself is readable upon the (not further described) recited "network".

Iwabuchi does not disclose expressly a detector for detecting problems during printing through a network and a transmitter for transmitting the stored image data when such a problem is detected.

Applicant's Background Prior Art discloses (page 5, lines 7-13) a response to a malfunction (which must inherently be detected in order for such a response to occur) while printing over a network. This response includes transferring (i.e. transmitting) the stored image data to a printer different from the malfunctioning one.

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Iwabuchi and Applicant's Background Prior Art are combinable because they are from the field of image data processing for printer output.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the malfunction response of Applicant's Background Prior Art in conjunction with the Iwabuchi printer system.

The suggestion/motivation for doing so would have been to enable a print job to continue after a malfunction.

Therefore, it would have been obvious to combine Iwabuchi with Applicant's Background Prior Art to obtain the invention as specified in claim 7.

Allowable Subject Matter

5. Claims 14-16 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 14 & 16, the art of record does not teach or suggest the recited first comparator for comparing the development time for developing the first image data into the second image data with the printing time for printing the second image data and the recited second comparator for comparing the volume of the first (initial) and third (final) image data in conjunction with the recited image processing pipeline.

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Re claim 15, the art of record does not teach or suggest the recited comparator for comparing a time required for developing the recited first image data of the current page and a time required for printing using the recited second image data of the two previous pages in conjunction with the recited image processing pipeline.

Response to Arguments

7. Applicant's arguments filed 12/28/06 have been fully considered but they are not persuasive.

Re claim 1, Applicant argues (12/28/06 Remarks: page 2, lines 3-17) that in Iwabuchi, the decision of which image format (either the before-development format or the after-development format) varies on a page-by-page basis, thus (in at least some cases) producing a document that contains a mixture of both types. Applicant further argues (12/28/06 Remarks: page 2, lines 18-21) that the method of Applicant's claim 1 stores one image format or the other, without selections differing on a page-by-page basis and not producing a mix of both in the final output.

However, *each individual page* of image data in Iwabuchi is processed according to the steps of Applicant's claim 1 (receive first image data, obtain second image data by processing the first image data, obtain third image data by compressing the second image data, compare the volume of the first and third

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image data, and store the smaller of the two while discarding the other), as described in the 35 USC §102 rejection above. The fact that the result of the comparison step may differ from page to page does not affect the readability of Applicant's claim 1 upon Iwabuchi, as the former does not require that one or the other image format must be *consistently* selected in all cases.

Re claim 3, Applicant argues (12/28/06 Remarks: page 2, lines 22-23) that claim 3 is allowable for the same reasons as claim 1.

Applicant's arguments re claim 1 have been addressed above.

Re claims 2 & 4-6, Applicant argues (12/28/06 Remarks: page 2, line 23) that "the remaining claims" (i.e. the remaining claims addressed in this portion of Applicant's arguments, those being claims 2 & 4-6) are allowable at least due to their respective dependencies.

Applicant's arguments re claims 1 & 3, from which claims 2 & 4-6 depend, have been addressed above.

Re claim 7, Applicant argues (12/28/06 Remarks: page 3, lines 1-6) that claim 7 is allowable at least due to its dependency on claim 3 and further in view of the failure of the background prior art (Applicant's Background Prior Art referenced in the outstanding rejection under 35 USC §103) to overcome the deficiencies of Iwabuchi.

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Applicant's arguments re claim 3 have been addressed above.

Applicant's argument that the background prior art does not overcome the deficiencies of Iwabuchi fails to comply with 37 CFR 1.111(b) because it amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

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Hand-carried correspondence may be delivered to the
Customer Service Window, located at the Randolph Building, 401
Dulany Street, Alexandria, VA 22314.

Stephen M Brinich
Examiner
Technology Division 2625

smb *smb*
March 6, 2007



THOMAS D. LEE